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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/341,979	07/21/99	BODET	J CM1431

IM22/0827

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EXAMINER

DELCOOTTO, G

ART UNIT	PAPER NUMBER
1751	19

DATE MAILED: 08/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.  
09/341,979

Applicant(s)

Bodet et al

Examiner

Greg Del Cotto

Art Unit

1751



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Jun 18, 2001.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 12-20 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 12-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. Claims 12-20 are pending. Applicant's amendments and arguments filed 6/18/01 have been entered

#### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### **Objections/Rejections Withdrawn**

3. The following Objections/Rejections as set forth in Paper #17 have been withdrawn:  
The rejection of claims 12-20 under 35 USC 103 as being unpatentable over Naik (US 5,387,373) has been withdrawn

#### *Claim Rejections - 35 USC § 103*

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Surutzidis et al (US 5,858,950) for the reasons of record set forth in Paper #5.

Additionally, Surutzidis et al states that the compositions may be employed in heavy duty liquid laundry compositions, machine dishwashing compositions, and other washing processes where sudsing is of importance. The Examiner asserts the other washing processes where sudsing is important as taught by Surutzidis et al would encompass and suggest to one skilled in the art the use of the cleaning compositions in manual dishwashing as recited by instant claims 19 and 20.

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***Response to Arguments***

With respect to Surutzidis et al, Applicant states that Surutzidis et al is drawn to low sudsing cleaning composition and that independent claim 12 has been amended to show the distinction between the claimed invention and the compositions taught and suggested by Surutzidis et al. In response, note that, Applicant has amended claim 12 to include the limitation “such that the composition provides sudsing” which is generic terminology encompassing low sudsing compositions, high sudsing compositions, etc. The instant claims only require that the compositions provide sudsing which is clearly taught and suggested by the cleaning compositions of Surutzidis et al; the Examiner sees no distinction between the “sudsing” recited by the instant claims and the sudsing compositions taught by Surutzidis. Nowhere in the instant claims does it require that the compositions are high-sudsing or mild to the skin and these limitations are not read into the instant claims. Additionally, the Examiner asserts that the compositions taught by Surutzidis et al would have the same properties as recited by the instant claims because Surutzidis et al suggest cleaning compositions containing the same components in the same proportions as recited by the instant claims. Furthermore, Applicant has not provided any data or evidence showing the unexpected and superior properties of the claimed invention over the prior art products. In re Boesch, 205 USPQ 215.

***Conclusion***

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (703) 308-2519. The examiner can normally be reached on Monday thru Friday from 9:30AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

GRD  
August 26, 2001

GREGORY DELCOTTO  
PRIMARY EXAMINER

